



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

January 10, 2012

1201-VS-02

Exhibit 1

Petition Number: 1201-VS-02

Subject Site Address: 2400-2500 E. 146th Street, Suite 2550

Petitioner: Kite Realty

Representative: Charlie D. Frankenberger and Jon C. Dobosiewicz

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (*WC 16.08.010.1.5.f*) to permit the relocation of a permitted eighty(80) square foot wall sign for Suite 2550 from the north building elevation to the south building elevation (facing 146th Street).

Current Zoning: Special Business-Planned Development

Current Land Use: Commercial

Approximate Acreage: 17.48 acres

Zoning History:

- 0301-VS-01, 2/18/03
- 0301-VS-02, 2/18/03
- 0301-VS-03, 2/18/03
- 0301-VS-04, 2/18/03
- 0301-VS-14, 2/18/03
- 0304-DP-09, 4/28/03
- 0902-VS-03, 2/10/09

Exhibits:

- 1. Staff Report
- 2. Aerial Location Map
- 3. Building Layout
- 4. Petitioner's Application

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the January 10, 2012 Board of Zoning Appeals meeting.



Property History

The development plan and site plan for the subject property was approved by the Advisory Plan Commission on April 28, 2003 (0304-DP-09). The development plan approval was for a 145,805 square foot commercial structure on approximately 17.48 acres.

Analysis

The Westfield-Washington Township Sign Ordinance section *WC 16.08.010.1.5.f* states that “A wall, under-canopy, and awning sign shall only be located on the façade from which its Sign Area Allocation was derived.” The submitted plans propose wall signage that is allowed on the north elevation of Suite 2550 (formally “Lelands” see Exhibit 3) to be placed on the south elevation of the adjoining Suite 2554. Two wall signs currently exist on the south elevation of Suite 2554 which is occupied by a separate tenant (“Beauty Brands”).

Under the City’s sign standards, the tenant of Suite 2550 would be allowed eighty (80) square feet of signage on its northern elevation. The proposal is to place seventy-five (75) square foot sign on the building’s south elevation in lieu of the north elevation.

Procedural

A Board of Zoning Appeals shall approve or deny variances of standard from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing the relocation of a wall sign to the south side of the tenant space would be injurious to the public health, safety, morals, and general welfare of the community. The addition of a seventy-five (75) square foot sign on the south elevation should not cause an unsafe distraction to motorists on the 146th Street.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*



Finding: It is unlikely the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner. The neighboring property east and west of Cool Creek Commons is commercial in use. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: There has been a considerable amount of turnover and vacancy of this specific tenant space since the shopping center opened in 2003. Arguably, a presence on 146th Street would help attract and retain tenants to that location.

Recommendations

Approve 1201-VS-02 with the following conditions:

1. That if any signage for Suite 2550 is located on the south elevation of the building, that no wall, awning, or under-canopy signage shall be permitted on the north elevation of the building.
2. That the amount of signage allowed on the south elevation of the building for Suite 2550 shall not exceed eighty (80) square feet.
3. That if the building is even further subdivided into three (3) or more tenant spaces, that the approval of this variance shall be null and void.